



Case No. 1:11-CV-1759  
Gwin, J.

parties' dispute on this issue is genuine, *see id.*, and, in any event, whether that dispute is genuine is not a proper basis for an appeal from an order denying qualified immunity. *See [Estate of Carter v. Detroit](#), 408 F.3d 305, 307 (6th Cir.2005)* ("It is clear that a defendant, entitled to invoke a qualified immunity defense, may not appeal a district court's summary judgment order insofar as that order determines whether or not the pretrial record sets forth a genuine issue of fact for trial." (internal quotation marks omitted)).

Moreover, to the extent Camarillo intends to argue on appeal that he is entitled to qualified immunity notwithstanding his (alleged) falsification of a cocaine field test (an absurd position that Camarillo has never argued), the Court would find that appeal frivolous and abusive. *See [Dickerson v. McClellan](#), 37 F.3d 251, 252 (6th Cir. 1994)* ("[T]his court has suggested in the past that a district court may have jurisdiction to certify an interlocutory appeal from the denial of qualified immunity as frivolous . . . ." (citing *[Yates v. City of Cleveland](#), 941 F.2d 444 (6th Cir. 1991)*)).

Camarillo is of course entitled to appellate review of this Court's determinations, but he may not pursue frivolous appeals in an effort to derail the final determination of this action. Were there any doubt, trial remains set for April 18, 2012, at 8:00 am.

IT IS SO ORDERED.

Dated: April 17, 2012

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE